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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,644	08/27/2003	Robert Aarts	59643-00295	3885

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EXAMINER

SANDOVAL, KRISTIN D

ART UNIT	PAPER NUMBER
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2132

MAIL DATE	DELIVERY MODE
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10/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/648,644	Applicant(s) AARTS ET AL.	
	Examiner Kristin D. Sandoval	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-28 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-28 have been considered but are not persuasive in view of the new ground(s) of rejection.

Applicant argues that Koike fails to disclose a privacy and/or usage policy that specifies a strictness level which is selected from a defined set of strictness levels, with the strictness levels describing constraints related to the access of data. The examiner respectfully disagrees. Koike discloses a privacy policy and a usage policy in the form of privacy preferences specifying a strictness level which is selected from a defined set of strictness levels (figs. 2, 3, 6, 7, 12 and 13, paragraph 0085-0088). The strictness levels disclosed in the figures are all different, thus they make up the defined set of strictness levels, however the specific strictness level depicted in each figures is the strictness level specified from the defined set. In addition, Koike discloses the strictness levels describing constraints related to the access of data since the figures describe a certain condition that pertains to the data, such as email addresses and then whether under those conditions the data can be accessed (figs. 2, 3, 6, 7, 12 and 13, paragraphs 0085-0088).

Applicant further argues that Koike fails to disclose a broker hosting a usage policy for constraints related to data of a user. The examiner respectfully disagrees. Koike discloses a broker in the form of a privacy data administrator who hosts the privacy preferences of a user which describes constraints related to data of a user (paragraph 0083-0084, 0089, figs. 3, 6 and 12).

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Finally, applicant argues that Koike fails to disclose checking a request from the service provider against the usage policy of a user and deciding whether data associated with the user can be released in response to the request. The examiner respectfully disagrees. Koike discloses a service provider requesting user data and checking the request against the privacy preferences of the user and then decides whether the user data can be released in response to the request (paragraph 0110).

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-9, 11-16, 18 and 19-27 rejected under 35 U.S.C. 102(e) as being anticipated by Koike, U.S. PG-PUB 2003/0084300.

As per claims 1, 11, 13, 18 and 19:

Koike discloses a method for controlling transfer of data between a service provider and a user in a communication system where the service provider possesses a privacy policy, the method comprising the steps of:

introducing to a broker a usage policy for constraints related to data of a user;
receiving a request for data associated with the user from a service provider to the broker;
checking, in the broker, the request against a usage policy of the user, and deciding if the data can be released (paragraph 0084).

As per claims 2 and 20:

Koike further discloses a method comprising the step of using the user to define the usage policy for the constraints related to the data (paragraphs 0086-0089)

As per claims 3, 4, 21 and 22:

Koike further discloses a method comprising the step of providing a predefined set of privacy policies and usage policies that comprise similar information elements (paragraph 0089).

As per claims 5 and 23:

Koike further disclose a method wherein the providing step comprises providing at least one of the privacy policies and at least one of the usage policies which specify a strictness level describing the constraints related to the data (figures. 3 and 6).

As per claims 6 and 24:

Koike further discloses a method comprising the step of using the user to choose the usage policies for the constraints related to the data (paragraph 0115).

As per claims 7, 8, 14, 15, 25 and 26:

Koike further discloses a method comprising the step of releasing user data if the at least one of the privacy policies of the service provider matches with the specified strictness level of the at least one of the usage policies of the user and indicating, by the broker, the strictness level of the at least one of the usage policies of the user to the service provider if the at least one of the privacy policies of the service provider does not match with the specified strictness level of the at least one of the usage policies of the user (paragraphs 0117-0126).

As per claims 9, 16 and 27:

Koike further discloses a method comprising the step of allowing the user to reduce a usage policy requirement if the at least one of the privacy policies of the service provider does

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not match with the specified strictness level of the at least one of the usage policies of the user (paragraph 0127).

As per claim 12:

Koike discloses a data transfer system comprising:

introducing means for introducing to a broker a usage policy for constraints related to data of a user;

receiving means for receiving a request for data associated with the user from a service provider to the broker;

checking means for checking, in the broker, the request against a usage policy of the user, and

deciding means for deciding if the data can be released (paragraph 0116).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 10, 17 and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Koike, U.S. PG-PUB 2003/0084300 as applied to claim 1 above, and further in view of Holtmanns et al. (Holtmanns), U.S. PG-PUB 2005/0086061.

As per claim 10:

Koike fails to disclose the step of attaching an electronically signed usage policy to the data when the data is released. However, Holtmanns discloses signing a privacy receipt that accompanies the user's privacy data (paragraph 0068).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to sign the usage policy in order to protect the user from having the service provider modify the information once it was received as taught by Holtmanns (paragraph 0068).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristin D. Sandoval whose telephone number is 571-272-7958. The examiner can normally be reached on Monday - Friday, 8:00-5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kristin D Sandoval
Examiner
Art Unit 2132

KDS
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